

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 19-0498-DMG (JEM)	Date	May 30, 2019
Title	Christian Calderon v. Jim Robertson, Warden		

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Present: The Honorable	John E. McDermott, United States Magistrate Judge
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S. Lorenzo

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL FOR FAILURE TO PROSECUTE**

On January 23, 2019, Christian Calderon ("Petitioner"), a state prisoner proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 ("Petition"). Plaintiff listed his address as Pelican Bay State Prison in Crescent City, California.

On March 28, 2019, the Court issued an "Order Re Briefing Schedule for Plaintiff's Motion for Stay Pending Resentencing Hearing" ("Briefing Schedule"). (Docket No. 10.) On April 11, 2019, the Court issued an "Order Granting Petitioner's Motion for Stay Pending Resentencing Hearing" ("Order Granting Stay"). (Docket No. 15.) Both of these documents were mailed to Plaintiff at his address of record.

On May 2, 2019, the Order Granting Stay was returned to the Court as undeliverable, with an indication that Petitioner had been transferred to North Kern State Prison in Delano, California. (Docket No. 16.) On May 7, 2019, the Briefing Schedule was returned to the Court as undeliverable. (Docket No. 17.)

Petitioner has an obligation to keep the Court and opposing parties advised of his current address for the duration of this matter. Local Rule 41-6 states:

If mail directed by the Clerk to a *pro se* plaintiff's address of record is returned undelivered by the Postal Service, and if, within fifteen (15) days of the service date, such plaintiff fails to notify, in writing, the Court and opposing parties of said plaintiff's current address, the Court may dismiss the action with or without prejudice for want of prosecution.

It has been more than fifteen (15) days since the Briefing Schedule and Order Granting Stay were returned to the Court as undeliverable, and Plaintiff has failed to notify the Court in writing of his current address.

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In light of the foregoing, IT IS ORDERED THAT:

1. Plaintiff is ORDERED TO SHOW CAUSE why this case should not be dismissed for failure to prosecute. Petitioner shall file a written response to this Order to Show Cause no later than **June 14, 2019.**<sup>1</sup> **Filing of a Notice of Change of Address advising the Court of Petitioner's current address shall be a satisfactory response to the Order to Show Cause.**
2. The Clerk shall mail this Order to Show Cause, the Briefing Schedule, and the Order Granting Stay to Petitioner at North Kern State Prison.
3. In the Order Granting Stay, Petitioner was ordered to file a status report notifying the Court of the outcome of the resentencing hearing, attaching any state court order and/or amended judgment resulting from the resentencing hearing, and stating his position regarding further proceedings in this case. Because it appears that Petitioner did not receive the Order Granting Stay when it was first mailed, Petitioner shall file his status report no later than **June 14, 2019.**
4. Petitioner is explicitly warned that failure to respond in writing to this Order to Show Cause and file the status report by June 14, 2019, may result in a recommendation that this action be dismissed for failure to prosecute this action and/or for failure to obey the Court's orders.
5. No extensions of these deadlines will be granted absent extraordinary circumstances.

Initials of Preparer \_\_\_\_\_ : \_\_\_\_\_  
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<sup>1</sup> Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, oral argument on this Order to Show Cause will not be heard unless ordered by the Court. Upon the filing of a Response, the Order to Show Cause will stand submitted.